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NOTES ON THE UNDERGROUND 1960—63

PART ONE

(Written in May 1964)

Introductory Note

The following notes of my experiences in and out of the secretariat of the Central Committee (CC) of the illegal South African Communist Party and the secretariat of the Johannesburg District Committee (JDC) of the Party in the period 1960-63 were made in London in May/June 1964 when the events were still fresh in my mind. This Part covers events up to October 1962, and includes the public emergence of the Party, the decision to prepare for the armed struggle, and the adoption of the Party's programme. The second Part of my notes covers the period from October 1962, including the Rivonia raid on 11 July 1963, my detention and interrogation, release and escape from South Africa. This second Part was published in 2004 (*Rivonia: The Story of Accused No 11*, 30:1 (2004) Social Dynamics, Centre for African Studies, UCT, 193-217, available online from [www.sahistory.org.za](http://www.sahistory.org.za)).

The notes do not constitute a complete and finished account of the events related. Because the Party was working underground, my own knowledge was necessarily limited. However, I believed at the time I made the notes that it was important to record what I could remember on a critical period in the history of the SACP and the struggle against apartheid. The notes were put away in a safe place. They have been transcribed from the original manuscript, with some editing. In particular, in the original I used initials or code names to indicate individuals. Where I am able to remember them, I have now inserted their real names.

October 2011.

## I. EMERGENCE: 1953-60

### *(a) Before emergence*

Membership before the state of emergency. In April 1960, after the declaration of a state of emergency, the detention without trial of many leaders, and the escape of others to exile, the underground Communist Party (SACP) lay in ruins. It was, at the time, an organisation of about 200 members, half of whom were within the area of the Johannesburg District Committee (JDC), the remainder were in Durban (30-40), Port Elizabeth (about 40) and Cape Town (20-30). About one-third of the members in Johannesburg were whites, about 15-20 Indians, and the remainder Africans living in Alexandra Township of the South-western townships (Soweto) The Cape Town district was predominantly white, but the Durban and Port Elizabeth districts were predominantly Indian and African respectively. The number of members who were factory workers was relatively small – in Johannesburg, not more than 15. There were no mineworkers or farm workers. A large proportion of the membership consisted of professional politicians (eg in the ANC, SAIC or COD) or full-time trade union officials (all of them in SACTU unions). The remainder were lawyers, doctors, nurses, students, clerical workers, small traders, journalists or otherwise middle-class. Of the whites and Indians, a considerable number had been members of the old Communist Party (CPSA) [dissolved in 1950], but among Africans the majority had never belonged to the CPSA.

Organisation. The Central Committee (CC) was, in theory, elected by the Party conference held from time to time since 1953. The method of election was never made known and I am not aware of the system followed at that time. Nor am I aware of the method of selection of delegates to conferences before 1960, except that units had no elected delegates nor any voice or recommendation in those who were in theory to 'represent' them.

The proceedings of the Party conferences were secret and, apart from a brief report of the resolutions and occasionally of the general tenor of the discussions (conveyed by means of documents) the membership had no report of the conferences. They were held at irregular intervals of 18 months to 2 years.

After each conference the incoming CC appointed new District Committees (DCs) in each of the four areas. The DCs were responsible directly to the CC which could appoint and replace members of the DC at will. The Johannesburg DC (JDC) had, in addition, a representative of the CC who usually attended every meeting. In the early years each DC member directly controlled one or more units of the Party, and was supposed to attend meetings of that unit. When this became too cumbersome a system of branches was devised in Johannesburg for each major field of activity (eg South-Western districts, trade unions, university etc.). This system was never implemented in other districts where individual DC members each had to supervise a number of units. In Johannesburg the branch committees each consisted of 3-6 members appointed by the DC and removable at will by the DC. The CC had, of course, the power to interfere in such appointments.

The basic unit or group [cell] consisted of 3-4 members, one of whom was the 'contact' with the higher committee, branch or DC as the case may be. In some cases 'contacts' attended meetings regularly, in others they did not. There was no adequate system of supervision of contacts nor any procedure for making views or complaints known except through the contacts. The 'contacts' were normally members of a branch committee or the DC, but this was not always so. The group had no voice in the selection of their contact who had no special training for their tasks. In my experience and that of others who related their experiences to me, the unsatisfactory working of the 'contact' system was blamed for most of the troubles in the Party organisation. Inefficient, lazy or disinterested 'contacts' could disrupt a group's activities or keep it in the dark about important developments. But I believe that the real source of troubles lay in political obstacles on the higher committees, and not primarily with the 'contacts'.

Certain communications were in written form (eg conference resolutions, occasional directives and political statements). Apart from one or two half-hearted attempts there were no internal journals or similar channels through which members could make their views known to other members.

Naturally, the fundamental security rule was that each member knew only the other members of his or her unit as members of the Party, and was not entitled to approach any other person as an actual or supposed Party member.

Activities before the state of emergency. In the period 1953-60 the Party engaged in no independent public activities whatsoever. It was a secret conspiratorial group, and it was a serious breach of discipline even to expose the existence of the Party to any person who was not known to be a member. As far as the public was concerned, therefore, there was no CP in existence.

The major political issue within the Party between its foundation in 1953 and 1960 was the question of 'emergence'. At every Party conference votes were taken on the question whether or not the Party should 'emerge' from its secret existence. I did not attend any of those conferences but from written and oral reports I learned that there were always differences of opinion on emergence. The objections to emergence were never placed on a political level. In fact they could not be because the SACP was allegedly formed precisely to replace the old CPSA which had been liquidated by its CC in 1950. In other words, the organisation was formed on the platform of an independent and open CP overcoming the 'liquidationist' mistakes of the old CP.

What obstacles then, were placed in the way of emergence? At various times, two distinct grounds of expedience for not emerging were put forward: (1) that it was necessary before emerging, to prepare 'allies' for this event, so as not to lose their co-operation, bearing in mind that the legal status of the ANC might be compromised by open association with an illegal organisation; and (2) that the SACP was not yet 'prepared' organisationally to withstand the attacks from its enemies which would inevitably follow emergence.

In regard to the first ground, I later learned that at least two deputations from the SACP, headed by [Moses Kotane] the General Secretary, had informed Luthuli in the 1950s that the Party was planning to emerge and that he had noted this without

opposition or, at least, had not indicated that he would refuse to co-operate with the Party. Moreover, I believe that many, possibly a majority, of the ANC's executive committee were members of the CP before 1960. In regard to the second ground, it was never indicated what further 'preparations' were necessary, after 6 or 7 years' underground existence before the Party could emerge, but there was no obvious solution to protect an alliance between the legal ANC and the illegal SACP.

I am able to recount from personal knowledge the circumstances in which at least one decision to emerge was thwarted in 1955-56. I was asked by the CC when I was going to the UK on a student travel bursary, to take with me a manifesto of the Party which was to be printed in the UK by the London Bureau of the Party and was then to be shipped to South Africa for mass distribution. In terms of my mandate I discussed the whole operation with Vella Pillay of the Party's London Bureau. I then returned to South Africa and learned that Moses Kotane had, just before me, returned from an extended visit to the socialist countries after the Bandung Conference. He had informed the CC that he had been advised (in East Germany and possibly elsewhere) that the Party should delay its emergence. I never learned the reasons advanced. The CC accepted the advice. The print order for the manifesto was cancelled and the Party did not emerge. On a visit to London on SACTU business four years later (January 1960) I was told by Vella Pillay that the Party needed to emerge before it could hope to secure material support from CPs elsewhere, in particular the socialist countries.

In view of the importance of the issue it must be made clear that 'emergence' meant to those who favoured it that the Party would come out into the open, carry on its own independent activities and become a known and equal member of the alliance. This, however was not what 'emergence' meant to the Party leadership; to them it meant merely a formal change in the position of the Party, it would make no difference to the role or activities the Party had maintained since 1953. That role was as a 'ginger group' or caucus within the Congress movement and the trade unions. With a few minor exceptions, every member of the Party was obliged to be an active member of one of those organisations; in my experience unit meetings were devoted primarily to discussing work in one or another Congress or trade union and not to independent Party activities. The unit structure made it impossible for individual members to know what the majority of the membership felt about emergence. I discovered through indiscreet discussions that there was general dissatisfaction and frustration with the inertia of the Party leadership, and that this had led to the growth of informal factions and some expulsions.

There was also disintegration in the Party organisation. For example, I was later told that Party units in some areas had stopped operating well before the emergency because they found it a 'waste of time'. One member told me that 'there was nothing to talk about when we met formally as a Party group, except perhaps a document from the CC about work in another Congress which did not concern us.' My own unit to which I had been recruited in June 1954 simply stopped meeting some time in 1956 and lost touch with the JDC and CC; no effort was made to revive it. I had by then become disillusioned with the Party for several reasons including the failure to develop a strategy for emergence, the kow-towing of the CC to the Moscow line on the Soviet Union's invasion of Hungary, and the continued authoritarian ideas and methods of SACP leaders and their support the CPSU, despite Khrushchev's revelations at the 20<sup>th</sup> Congress about Stalin and the 'cult of personality' I devoted my political

activities from then on to helping the infant SACTU and its constituent unions, and distanced myself from the Party.

The effect of the state of emergency. At the end of March and the beginning of April 1960 several hundred arrests took place in terms of the emergency regulations after the Sharpeville one-day protest strike and pass-burnings had brought the country on the verge of a revolutionary crisis. A large number of individuals, mainly whites, left the country to avoid arrest (in most cases to stay in Swaziland, Basutoland or Bechuanaland protectorates). I later learned that the arrests and departures had deprived the Party of well over half its membership. In Johannesburg the entire DC of 8 or 9 persons was arrested in the first wave of arrests; in the next wave members of a 'second level' replacement DC were either arrested or fled the country. Two members of the CC managed to avoid arrest by going underground (Moses Kotane and Michael Harmel) as a result of a chance 'tip-off'. Kotane and Harmel remained in hiding throughout the emergency. Another surviving member of the CC, Bram Fischer, was not arrested. In addition, BT [Ben Turok ?] had escaped arrest and at an early stage established contact with the remaining CC members. They formed themselves into a new centre. They had difficulty in establishing contact with surviving members, in part because a secret list of contacts was 'lost' by Harmel. I can remember Bram Fischer, highly conscious of the need for security, losing his temper, going red in the face and shouting at Harmel because of this sloppiness.

Despite these difficulties, the new centre set about rebuilding the Party organisation in Johannesburg by putting together a list of persons whom they knew or believed had been in the Party before but had not been arrested or fled. This enabled them to set up a 'third tier' DC in Johannesburg.

My first contact with this new 'rump' Centre occurred ~~about~~<sup>around</sup> at the end of April 1960. Just before the emergency was declared the Executive Committee of SACTU had appointed me with absolute powers to 'keep SACTU alive' should the NEC be arrested in the then expected emergency. In this regard SACTU seems to have taken more precautions than the Party. The expected happened and I immediately set about this task. I established contact with Don Mateman, Lawrence Ndzanga and Uriah Maleka the only active SACTU management committee members still in the country, and visited Phyllis Altman, Leslie Masina and others in Swaziland. We formed a provisional NEC of SACTU, which met almost daily and gradually re-established contacts with the workers' groups. I took personal responsibility for maintaining the Laundry Workers' Union (every one of its senior officials had been arrested) and the Metal Workers' Union, whose secretary Gilbert Hlalukane had fled. I was, at the time, a university lecturer. It was unsafe to work from SACTU offices, where Shanti Naidoo took charge, and I operated mainly from the offices of Shulamith Muller a lawyer who had been detained, with the help of her assistant Shirley Goldsmith. I worked closely with Shirley, visiting the exiles in Swaziland and Basutoland. (We were married in July 1960). The waiting room would be full of trade unionists waiting to see me on the pretext that I was dealing with their legal problems. I no longer slept at home and had to exercise great circumspection to avoid arrest.

Towards the end of April a British lawyer, arrived unannounced at my university office and told that he had been sent by the London Bureau of the Party which had lost contact with the CC and assumed I could put them in touch. He satisfied me that

he was genuine, and asked to meet the CC to discuss what assistance could be given. I was out of touch with the Party, but told him to hang around while I made inquiries. By chance, Wolfie Kodesh, whom I knew as a Party member, called on me. I informed him of the arrival of the British representative. Kodesh was in touch with Harmel and arranged a meeting for him and the British visitor. Following this, I had a series of discussions with Harmel and Bram Fischer, at their request. They told me that the emergency had found the Party totally unprepared. They asked me to become a lifeline between those in hiding and the outside world. Bram's own courage and determination were an inspiration and he was a persuasive advocate. His was a plea I could not refuse. I could not stand idly by at the time when the crisis engendered by Sharpeville seemed to present a real opportunity to challenge the regime. My ideological objections to the leadership's Moscow-line, and dissatisfaction with their leadership, seemed irrelevant in those circumstances. With hindsight this crossing of the Rubicon between my work in SACTU and as a lawyer, and active participation in illegal activities, was a fundamental mistake.

I joined the 'third tier' JDC helping to re-establish contacts with surviving groups and recruiting several new members who had shown their merit during the emergency. I was contact for two trade union groups and was elected Chair of the JDC, a position to which I was twice re-elected until my arrest in July 1963. As Chair, I was a member from May 1960 to July 1963 of the District secretariat, with Hlapane and Turok, which carried out day-to-day work.

*(b) Emergence*

In May 1960 an enlarged CC meeting, of those not in detention or exile, was summoned to discuss the question of emergence. I was invited to attend the meeting held over two days, first in an artist's studio and then in open brickfields. About 12-15 persons from Johannesburg, Durban and Cape Town were present. There was a full political review, after which it was unanimously agreed that the Party should immediately emerge, that it should embark on a recruiting campaign and bring out a regular newspaper (to be called *Inkululeko*). A number of organisational matters were discussed including work in the now banned ANC and the other Congresses. There were differences of opinion as to whether the emerged Party should aim to become a mass workers' and peasants' party or should remain a small body of 'professional revolutionaries' working mainly through the Congresses. Moses Kotane was strongly in favour of the latter approach and this won the day largely on the practical ground that security considerations made a mass illegal organisation impossible.

Shortly after this meeting, I was co-opted on to the CC. The other members at the time were Moses Kotane, Michael Harmel, Ben Turok, Bram Fischer, and Bartholomew Hlapane.<sup>1</sup> The first task of the CC was to put into effect the resolution on emergence. After a few weeks a pamphlet was produced. Fischer and Kotane argued for a postponement. The former's objection was that the Treason Trial was still in progress and he feared that the pamphlet would damage the accused's prospects. Kotane said it was necessary to prepare our allies. After prolonged

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<sup>1</sup> In 1964, after prolonged detention in solitary confinement without trial and torture, Hlapane was 'turned' by the security police and gave state evidence against his former comrades in a number of trials and in 1981 testified before a US Senate Committee about 'communist subversion' in South Africa. He was executed by an MK unit in 1983.

discussion –lasting all night until 3 am – the decision was taken to bring out the leaflet. The majority consisted of Harmel, Turok, Hlapane and myself. Groups were prepared and eventually in June or July 1960 the leaflet announcing the Party was distributed in townships and factories. The event passed relatively unnoticed. One member, Aaron Molete, was arrested while distributing the leaflet. I found myself briefed by Harold Wolpe to appear for him. The only defence I could offer was the legalistic ground that the CPSA which was banned under the Suppression of Communism Act was not the same as the SACP and so the charge was misconceived. Not surprisingly this failed to convince the court (presided over by the strong Nationalist Justice Cillie) and his sentence of three years' imprisonment was upheld. This was the human price of the CC's decision. It made the CC cautious about further public activities.

## II. TOWARDS ARMED STRUGGLE

### (a) *Party activity after emergence*

Relatively few leaflets in the name of the Party were distributed after 1960. There was one on the 40<sup>th</sup> anniversary of the CPSA on 21 July 1961 and others on May Day and 7 November (anniversary of the Bolshevik revolution) in 1961 and 1962, and a defiant leaflet 'Vorster cannot destroy communism' in early 1963 – in each case about 10,000 in English and some African languages were distributed in townships and factories. On several occasions the JDC drafted leaflets on day to day issues in the Party's name –such as rents and wages, passes, starvation in the Reserves –but these were not approved by the CC (of which I was no longer a member after December 1960). The argument was that if something could be said legally, without involving the Party, this should be preferred. Molete's sentence was cited in support of this. Since the ANC was also banned, this meant that legal leaflets on issues such as wages could be issued only by SACTU and other still lawful organisations. The situation seems to have been different in Durban where a considerable number of leaflets in the name of the Party were cyclostyled and distributed on all sorts of current issues. In the period 1962-63 a secret printing press was established in Johannesburg but was mostly used for ANC leaflets and material. The CC's earlier decision to distribute *Inkululeko* publicly was reversed on security grounds similar to those raised in relation to leaflets. Instead it became an inner-Party journal, published about six times at two-to three-monthly intervals in a print run of about 200 copies. It soon ceased publication, and was to be replaced by a new paper *Solidarity*, but this never appeared. This left only one official SACP publication *The African Communist*. At its peak in 1961-62 it had a circulation of about 600 outside South Africa, and I believe several hundred within the country.

### (b) *The December 1960 conference*

In December 1960 a national conference was convened by the Party and held in Johannesburg. In all about 25 persons attended. Among these were Nelson Mandela, Walter Sisulu, Piet Beyleveld, Govan Mbeki, John Nkadimeng, Ben Turok, MP Naicker, Fred Carneson, Moses Kotane, Bram Fischer, Joe Slovo, Michael Harmel, Ben Turok, Rusty Bernstein, DT [?Dan Tloome] and Raymond Mhlaba. Bartholomew Hlapane was to have attended, but it was felt that he should be 'preserved' in case the

conference was subjected to a police raid. There were about 8 representatives of the JDC and about three each from the Durban, Port Elizabeth and Cape Town DCs. The way in which the DC representatives were selected in Johannesburg was that each unit was asked to nominate one person, all the suggested names were then considered by the JDC, which then proceeded to select one person from each of the eight branches. These names were submitted to the CC which, after much debate, excluded two of the selected representatives and appointed two of its own nominees. One of those excluded was Andrew Mlangeni because of what a commission appointed by the JDC later found to be wholly unfounded suspicions that he was a police informer (he was one of the Rivonia trialists in 1963); the other was Dave Kitson (later imprisoned in the 'Little Rivonia' trial) on the ground that he held a very sharp minority viewpoint and did not agree with the general line of the Party. The exclusions led to a heated clash between the CC and JDC.

There was a discussion whether I should be excluded so as to 'save' me to reconstitute the CC if the conference was raided, but it was eventually ~~I should not~~ <sup>not</sup> because as a person who was not banned or named I was well placed to make all the technical and security arrangements for the conference. I rented a furnished house in the suburb of Emmarentia and lived in it for a few weeks so as to give the appearance of a normal occupancy. The house was in a secluded garden in which I put a marquee because the house was not large enough for all to sleep indoors. I hired a closed van, picked up the delegates at various points in the city and took them in and out of the grounds by night. The conference lasted for two days. As a result of my duties in organising the event, I was absent from some parts of the conference but was present during most of the discussions. *about 6 delegates*

The conference had to sum up the lessons of the emergency period and, in the light of this, reassess the strategy and tactics of the Party. The business of the conference was in three main parts: first, a report on the political situation presented by Rusty Bernstein; second, a report on Party organisation presented by Joe Slovo; third, a report on the national liberation and trade union organisations presented by Walter Sisulu. In addition there were elections to the CC.

The first two reports were in the most general terms and the discussion on them was vague. The only really significant decision taken under the first item was the 'secret' resolution, which was the real starting point of the armed struggle. It was the unanimous view of the conference that the result of the emergency and the banning of the ANC was that a new phase had arrived, one in which a shift had to be made from legality to illegality as the main context of activity, and from non-violence to armed resistance as part of the struggle to overthrow the regime. The 'secret' resolution (not recorded and not reported to members of the Party) instructed the CC to establish military units and to take all necessary steps to that end. I do not remember any specific discussion about who would control these military units; in fact, such a discussion seemed unnecessary because it was taken for granted that this body would be directly controlled by the Party. My understanding was that the purpose of the units was to enable cadres to learn the methods of armed resistance or, as some called



it, 'armed propaganda'. The discussion was short<sup>2</sup> and there was no suggestion at this time of a full-scale guerrilla war.

There was another lesson of the emergency that some delegates emphasised, but which the majority seemed to ignore. This was that, at the critical moment on 28 March 1960, when the power of the state was called into question, there was no effective or decisive leadership. This pointed to a basic weakness in the organisations. There was discussion whether a new 'legal' African body should be created or, instead the ANC should continue underground. Sisulu and Mandela were firmly wed to maintaining the ANC which they believed was held in high prestige and authority among the people. They also regarded as illusory the hope that another legal 'front' organisation could survive. The suggestion by one or two delegates that the SACP should be built up rather than the underground ANC was instantly rejected as 'dangerously sectarian'.

In the elections for a new CC, I acted as one of the scrutineers. Just less than half the new CC was elected at conference (for security reasons their names were not revealed). The remainder were co-opted. I was neither elected nor co-opted and ceased to serve on the CC.

*(c) Work on the Johannesburg DC 1961-62*

I was, however, retained as a member of the JDC and re-elected as Chair of that body. In this capacity I was a member of the district secretariat with Turok and Hlapane. We set ourselves the task of recruiting more factory workers who would be the cadres leading mass working-class activity. By July 1963 the Party membership in Johannesburg had increased to about 225, but there was a substantial loss during this period of Party members recruited by MK to go abroad for military training. Taking into account these losses there were about 100 new members, mainly in the trade unions.

The activities of these members remained much the same as before, the Party line being that members must distinguish themselves in day-to-day work of the national liberation movement.

*(d) The 1961 strike campaign*

Between January and May 1961 the JDC was feverishly active with preparations for the stay-at-home planned for 31 May as a protest against the declaration of a white republic. The strategy of the campaign was a matter of some controversy and confusion – this was one of the main reasons for the failure of the stay-at-home.

The campaign was launched by the conference of African leaders (including the ANC and PAC) in December 1960. The PAC broke away shortly afterwards. In about March 1961 there was an enthusiastic and well-attended mass conference in Pietermaritzburg. This endorsed the call for a national convention of all races to draft

<sup>2</sup> In his memoir, *Memory Against Forgetting* (Viking, 1999) at p 226, Rusty Bernstein suggests that the discussion on this was short and the decision was an interim one, because a discussion on the Sino-Soviet split, on which Harmel reported, 'overran its time.' There is no reference to this in my note, but we agree that the discussion was short and the matter was referred to the CC for further action.

a democratic constitution. The conference resolved that if this demand was not met, a three-day national strike was to be called. Mandela was the leader and most active force in this campaign. Soon after the Pietermaritzburg conference, he went underground and (as the PAC put it) organised the campaign 'from telephone boxes'. I came to work closely with him in this period as one of those supporting him underground. He seemed to me to grow tremendously in stature; his qualities of courage, dignity and tremendous personal appeal made him the natural leader of the campaign. Later I was to act as his lawyer when he was arrested and tried (November 1962) for his part in the strike and for leaving the country illegally.

There were some who found the call for a national convention adventuristic and misleading. It was quite clear that no one expected the Nationalist government to give in to such a demand. But those who supported the campaign argued that by making a 'moderate' demand the ANC could mobilise a broad united front including white parties, churches and individuals. Unfortunately, even before it started the campaign lost the support of the PAC which had shown that it had considerable mass following especially among the youth with its call of 'Africa for the Africans'. The hostility of the PAC undoubtedly weakened the strike. The SACP and ANC leaders also underestimated the effects of intimidation by employers and violence by the police in deterring strike action in support of a demand that seemed to ordinary people to be far removed from their every day concerns. Support for the strike was disappointing, and after the first day having consulted his colleagues, Mandela called it off. The strike had failed despite the enormous activity that went into organising it. I believe that there were more activists involved than in any other campaign, including the Congress of the People. The elaborate security precautions taken to protect Mandela and the organisers led me to sleep away from home and avoid police attention. As soon as the strike was called off, the organising structures collapsed, a number of those involved were arrested and imprisoned and others lost their jobs. There was a general sense of pessimism, and Party activities waned.

At the end of the strike Mandela issued a statement denying any communist influence on the strike, which he explained privately as being justified by the need not to 'frighten away' overseas and local supporters of the ANC. He also said that the strike was the end of an era and 'new methods' (understood to be armed resistance) were now required to achieve freedom.

*(e) The rise of Umkhonto we Sizwe*

I was never recruited into the Party's military units, nor into Umkhonto we Sizwe (MK) after its formation some time in 1961. I was, however, aware that trade union and Party cadres were disappearing, apparently for military training. The JDC was out of the loop remaining ignorant of the structure of the new military organisation and who controlled it, and the preparations for sabotage. We were, however, informed that the SACP and ANC each had four representatives on the High Command. On 16 December 1961 a few small acts of sabotage were committed and some units of the Party were used to distribute a 'proclamation' announcing the existence of MK described as a military sabotage organisation which accepted the guidance of the national liberation organisations. The 'proclamation' – as the police later proved – turned out to have been typed on a SACP typewriter, so that all the attempts made to

distance the Party from MK appeared to be mildly ridiculous. The period from June 1961 to July 1963 saw the Party 'submerge' as MK grew.

As a result of protests by the JDC about the sudden disappearance of members, a plan was agreed whereby MK would inform the JDC secretariat of the name of any person who had been recruited and sent abroad for military training. Members of the Party were told that if they were approached to join MK, for security reasons they should not discuss this with their unit or other Party members. The effect was that the Party became subordinate to the new military organisation at a time when armed resistance was still regarded as secondary to more traditional forms of struggle including trade union activity. I remember my shock and disappointment when I was informed that two leading trade unionists and Party members, who had been doing indispensable trade union work, had been 'pulled out' for MK activities. This information came not from the CC to me as Chair of the JDC but directly from the High Command of MK. When I spoke to the individuals concerned they explained that they had been reluctant to give up their union activities but, unable to consult the Party, feared that if they declined the invitation to join MK they would be considered 'disloyal'. After hearing from them, I exerted heavy pressure on the High Command which then released them from MK to return to trade union work.

The method of recruitment meant that it was difficult to maintain a line between 'legal' activities (like trade unions) and illegal activities. It also was a symptom of the growing domination of MK over the Party. Several people joked about the 'military dictatorship'. We were to reap the bitter fruits of this in July 1963.

In the period up to October 1962, when I rejoined the CC, I do not know what control, if any, the CC exercised over MK. After the sabotage campaign started, some Party members, who were not also in MK, began to complain about the 'amateurism' of sabotage attacks which had resulted in the accidental death of one volunteer, and the arrest of others. More significantly, it seemed that individual acts of sabotage were being substituted for organised political activity. The JDC had constant reports that the ANC as an organisation was all but dead. The 'seven-person' structure of basic ANC units underground had failed to work; members of these groups kept away from meetings, and leaflets produced at great risk lay undistributed. The residents' association formed as legal fronts for the ANC and SACP disintegrated due to rivalries and factions. However, there was some increase in trade union membership showing the importance and potential of this aspect of the struggle. SACTU as a co-ordinating body was badly hit by bannings and arrests. Moreover, the sabotage attacks gave the Government the excuse to enact vicious new laws including capital offences for sabotage, and detention without trial.

*(f) Introduction to Rivonia*

It was in 1961 that I was first introduced to Rivonia. One night Joe Slovo and I took Mandela there after a meeting. I was later told that in taking me along, Slovo was in breach of strict instructions that only members of the CC (I was not one at the time) were to know of this hideout. Slovo told me that the Party had got a substantial sum of money from abroad (he was not specific) and had to pay R24,000 for the house and farm. The Party had also bought a ship and a van.

I accompanied Slovo on a few other occasions when we took Mandela back to the premises. Later, I went there alone on several occasions to pick up Mandela to take him to meetings. In December 1961 and January 1962 a remarkable situation developed. The entire secretariat and membership of the CC, with the exception of Sisulu, left Johannesburg for their holidays. I learnt this from Slovo who asked me to come on to the CC secretariat temporarily. I did so and was swamped with work left unattended while the regular secretariat was away. I worked closely in this period of two months with Mandela and Sisulu, and helped to make the arrangements for Mandela to leave the country and for Moses Kotane to re-enter the country after his trip to the 22<sup>nd</sup> Congress of the CPSU and elsewhere. I was disturbed by the lack of proper security precautions and the chaos in financial matters.

I had been instructed to shield myself from police surveillance, to stay away from public political activities and the offices of left-wing organisations and not to associate too freely with 'named' persons. In January 1962 I left my university job and went into practice as an advocate in Innes Chambers, partly because this would provide a better cover for my underground activities. I found that there was a constant stream of well-known named and banned individuals to my Chambers and home in Victory Park. These included Jack and Rica Hodgson, Ahmed Kathrada, Walter Sisulu, Michael Harmel and others, who wanted me to convey messages to the JDC or CC, or to Bram Fischer, whose Chambers were in the same building. These comings and goings must have been observed by the police. There were many compromising phone calls, and attempts to disguise these were crude. For example, Slovo had placed someone outside the Grays' security police headquarters at night to give warning if a number of police left the building at the same time – it would be assumed to conduct raids. When this person saw suspicious movement he would ring Slovo on his home telephone. Slovo would then ring me (in the early hours) and say 'The Russians have landed on the moon'. This was the trigger for me to alert others. Sometimes these were false alarms, but at least twice raids did occur. On both occasions the police arrived at my house – forewarned I had cleared out incriminating papers – indicating that I was still on the 'hit' list despite the efforts to keep my activities quiet. Moreover, Harold Wolpe was frequently briefing me to appear in political cases, making me a regular opponent in open court of the security police. My association with Fischer and Slovo was patent as were my sympathies for those I defended, including Sisulu and Mandela.

At the end of January 1962 I dropped out of the CC secretariat. I do not recall going back to Rivonia before about November 1962. Among the security breaches of which I became aware before Mandela's arrest, were the following:

- (1) Slovo, Harmel and Wolfie Kodesh and other named communists openly driving their own cars into the premises;
- (2) Goldreich, the nominal tenant, holding a large and noisy, multi-racial party in the house while Mandela was actually living in the outhouse. Some of those at the party were named persons. This drew the attention of neighbours and the police to the premises. Mandela was in fact spotted by someone brought to prepare the party.
- (3) Mandela's two sons were allowed to spend some time with him at the farm, and later they told Max Sisulu that Mandela was staying there. Similarly Winnie Mandela visited him there and was apparently observed leading to rumours that he was 'in the area';

- (4) Goldreich's domestic servants were not all screened- there were rumours that one of them was 'unreliable';
- (5) When Harmel's photo appeared in the papers, the estate agent recognised him as someone who had been involved in the purchase, and Rusty Bernstein, another named communist, was brought into the house to supervise building work.

### III. THE 1962 CONFERENCE

#### *(a) The programme*

The emergence of the Party made it necessary to have a programme. At the beginning of 1962 a draft programme was circulated among units. There had been a short statement of aims adopted when the SACP was formed in 1953. Most members had never seen that statement or, if they had, had forgotten its contents. The new draft had been approved by the CC. Members were asked to study the new draft and useful study guides with a reading list were prepared. Each unit was asked to have eight planned meetings to study it and to submit detailed comments and suggested amendments. The final programme was to be adopted at a conference. Unfortunately, the exigencies of underground work largely defeated this plan. The police raids in April and May 1961 caused many units to destroy their copy of the draft and one or two copies actually fell into police hands. I had the opportunity to discuss the draft with two units consisting entirely of manual workers. They found the draft incomprehensible because of the academic concepts used until I tried to 'translate' it into simpler language.

I had the task of reading and summarising all the comments made by units in Johannesburg. I believe my notes were destroyed by those to whom I had given custody, post-Rivonia. I was appointed by the CC as a member of a Commission to revise the draft and present a final report to the conference. The other members of the Commission were Michael Harmel and Moses Kotane. We met almost every day, sometimes into the early hours of the morning over a period of three weeks during August and September 1962. What we produced was substantially a new programme from the first draft. The revisions were partly the result of comments by the units, and partly because the Commission took a different view on some issues from the first draft. Although we differed on some matters, I regarded the product a major ideological advance providing the Party with a clear programme for the national democratic revolution.

In October 1962, the CC convened a national conference primarily to adopt the new programme, and to elect a new CC. The conference was called at very short notice because of the threats of imminent house arrest of a number of leaders. The short notice meant that units did not have the opportunity to submit resolutions to conference on topical issues. I attended as a representative of the JDC. The conference was held in a safe house in Johannesburg. The first morning was devoted to reading the new draft of the programme (for security reasons it had not been circulated in advance) and to a preliminary discussion. The second and third sessions on the same day heard a political report (mainly on MK) and had a discussion of the

liberation organisations. The second day was devoted to discussing and unanimously adopting the programme, to which no substantial changes were made, the adoption of other resolutions and elections. There were about 25-30 persons present.

(c) *Other work of the conference*

As the conference had only two days, there was little time for discussing matters other than the programme. A number of delegates were compelled to leave at the end of the first day for security reasons. The first house arrests had been imposed and a report was received at the conference that the police were looking for Sisulu and some of the others who were not at home because of the conference. Their absence might have intensified police activity, so it was resolved to send them home so that the conference could continue without suspicion. Unfortunately this meant that the conference was deprived of delegates who could have made a significant contribution.

Only on one issue was there a heated debate. This was on the Transkeian 'independence' issue. One view was that the fraud of self-governance must be exposed by having nothing to do with the 'dummy' Legislative Council or elections and that Sabata and other opponents of the Government should at best be regarded as temporary allies but that they should not be built up into national resistance heroes. The minority view was that the correct strategy was to form an alliance with Sabata to win a majority on the Legislative Council and by so doing call the Government's bluff. There was also a third standpoint, that the basic question was to prepare the people in the Reserves for guerrilla warfare and to turn the Reserves into guerrilla base areas, and that, for this purpose the people should be politicised before, during and after an election campaign but that little emphasis should be placed on securing actual representation on the Council. Eventually, a compromise resolution reflecting the first (majority) view was adopted by a vote. The Legislative councils later took place without Party or Congress participation.

The Party also adopted new rules which I had drafted and presented for adoption on behalf of the Commission. I was appointed one of the two scrutineers for the CC elections. This time a majority (7 out of 13) of the CC was to be elected by secret ballot at the conference. Those elected were given the power of co-option. The names of those elected were, of course, not announced. I just missed being elected (by one vote). Those elected were Moses Kotane, Walter Sisulu, JB Marks, MP Naicker, Govan Mbeki, Joe Slovo and Rusty Bernstein. They immediately co-opted (I learned later) D.N. (? Duma Nokwe), M.S. (? Mark Shope), Michael Harmel, Bram Fischer, Ruth First, Bartholomew Hlapane, and Fred Carneson.

One of the most striking features of the conference was the number of young and enthusiastic African delegates from the Western and Eastern Cape. They were articulate and brought a hopeful, militant and determined approach to the conference.

After the conference a new JDC was appointed and I was re-elected Chair. In his capacity I was a member of the district secretariat. Then towards the end of October 1962, as the house arrests of CC members multiplied, I was again co-opted on to the CC and its secretariat. That story, and its culmination in the Rivonia arrests is told in

the next part of my memoir (see 'Rivonia: the story of accused No.11' *Social Dynamics* 30:1 (2004) 193-217).

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